

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-28805
Issue No: 6046; 2012; 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon claimant's request for a hearing filed on May 26, 2009. After due notice, a hearing was held on August 5, 2009.

Department's Hearing Summary and hearing testimony reveals that claimant was a Medicaid (MA) and Food Assistance Program (FAP) recipient when her case closed by mistake in May, 2009 due to an error in Bridges, department's new computer system. Department reinstated claimant's MA and FAP benefits in June, 2009 and issued a FAP supplement to the claimant of \$111. Claimant therefore had no loss in benefits for either MA or FAP. Claimant's hearing request and complaint is that neither her caseworker nor a manager has not returned her telephone calls as of middle of May, 2009.

Department's administrative rules state that an opportunity for a hearing shall be granted to an applicant who requests a hearing because their claim for assistance is denied, or to any recipient who is aggrieved by any department action resulting in suspension, reduction, discontinuance, or termination of assistance. Michigan Administrative Code Rule 400.903(1).

While the claimant's MA and FAP benefits did terminate in error in May, 2009, they have been reinstated effective June, 2009, resulting in no loss of such benefits to the claimant, and no issue for the hearing exists.

In addition, a complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. Michigan Administrative Code Rule 400.903(5). Claimant was advised that any complaints about staff actions must be pursued through DHS management.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is **HEREBY DISMISSED**, because claimant is no longer aggrieved by a department action on her MA and FAP benefits.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 12, 2009

Date Mailed: August 13, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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